



Voters First:

An Examination of the 2006 Midterm Election in Missouri

Report from the
Office of Secretary of State
to the People of Missouri

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2006: A Historic Year for Elections in Missouri

2006 was a historic year for elections in Missouri. The August 2006 primary election marked the first election with new federally-mandated voting equipment. Because of close results between Republican auditor candidates Jack Jackson and Sandra Thomas, there was a statewide recount. On November 7, almost 53 percent of registered voters showed up at the polls around the state, two percent more than the general election in 2002. In the closely-watched U.S. Senate race between Claire McCaskill and Jim Talent, 2,128,459 votes were cast. Meanwhile, a number of high profile ballot measures rounded out a lengthy ballot.

New voting machines debuted around the state in 2006.

As a response to the issues in Florida and around the nation in the 2000 presidential election, the federal government passed a set of reforms known as the Help America Vote Act (HAVA) which required significant changes in the voting process. These

changes included, among other things, phasing out punch-card voting systems and upgrading to new equipment that would allow voters to have a “second chance” to review his or her ballot, creating a statewide voter registration database list, and making voting equipment accessible to individuals with disabilities.

Missouri received more than \$63 million in federal funds to implement HAVA. Work to coordinate implementation of these significant federal requirements with Missouri’s 116 local election authorities (county clerks and election boards) began under Secretary Blunt’s Administration (2001-2005), and continued with Secretary Carnahan’s Administration (2005-present).

Several major requirements of HAVA were originally scheduled to be completed prior to the November 2004 election. However, the Office of Secretary of State received waivers from the federal authorities to delay completion of the statewide voter registration database list and punch-card voting machine replacement until 2006.¹

Missouri’s statewide voter registration database enabled counties to keep track of registered voters more efficiently than they ever had before.

Thus, for many Missouri voters, 2006 marked the first time new voting technology was used in an election. Some polling places were renovated and, in some cases, moved in order to improve accessibility for voters with disabilities. New voting machines debuted around the state in 2006, while Missouri’s statewide voter registration database enabled counties to keep track of registered voters more efficiently than they ever had before.

¹ See appendix for correspondence.

In addition to changes required by HAVA, Missouri election law also changed significantly. For the first time in decades, one new law meant that Missourians were not allowed to cast a straight-party ballot.² This was no small change, because in 2004 more than one million Missourians cast straight-party ballots.

One thing that remained the same, however, was the identification Missourians needed to vote. On October 16, 2006, the Missouri Supreme Court ruled unconstitutional³ recent legislation that would have required voters to present a government-issued photo ID in order to vote. The decision allowed eligible voters to cast ballots as they have in previous elections since most recent voter identification requirements were implemented in 2002.

Overall, the Office of Secretary of State and local election officials successfully implemented many changes and maintained the integrity, accuracy, and security of the election process in Missouri. However, there are areas in which Missouri election administration can still be improved to provide more confidence, convenience and privacy for voters. This report discusses themes and specific issues of the 2006 election and follows with recommendations.

² Missouri Session Laws, 1921, page 308.

³ *Weinschenk et al. v. State of Missouri*, 203 S.W.3d 201 (Mo.banc 2006).

Executive Summary

The purpose of this report is to examine the 2006 election, identify issues, and recommend solutions for improving and safeguarding Missouri's elections. The findings of this report include an analysis of more than one hundred separate issues reported to and fielded by the Secretary of State's office on Election Day, information from local election authorities, poll workers, and news stories from around the state.⁴

This report discusses the successes of the 2006 election, from the most accurate voter list Missouri has ever had, to new accessible voting equipment for people with disabilities. As in previous elections, the absence of reports of voting impersonation or voting fraud in the 2006 election in Missouri was notable.

In October 2006, the Missouri Supreme Court upheld the Cole County Circuit Court ruling that struck down as unconstitutional the provision in Senate Bill 1014 that required Missourians to show a government-issued photo ID in order to vote at the polls. In its opinion summary, the Court found that "the photo ID provisions of Senate Bill 1014 represent a heavy and substantial burden on Missourians' free exercise of their right to vote."⁵

As in previous elections, the absence of reports of voting impersonation or voting fraud in the 2006 election in Missouri was notable.

Thus, it is particularly noteworthy that the type of voter fraud allegedly prevented by photo ID — voter impersonation at the polls — was

not reported as a problem in Missouri. At the time of this report, no such cases from anywhere in the state had been reported to the Secretary of State's office.

Although there were no reports of voter impersonation or voting fraud, there were isolated incidents of alleged registration fraud that were reported in advance of the 2006 general election. Allegations of fraudulent voter registration cards surfaced and were investigated in St. Louis and Kansas City, and three individuals were indicted in Kansas City for alleged registration fraud, one of whom pleaded guilty. Such examples of investigation and prosecution of voter registration fraud are evidence that the safeguards in place in Missouri are working.

Finally, this report identifies two significant dangers to the democratic process in Missouri: long lines or delays at polling places, and the intimidation or misinforming of voters. The incidents of long lines at the polls function as a deterrent to voting. Cases of voters being intimidated or misinformed on or before Election Day were also reported and are described in this report.

In summary, this report finds that election administration in Missouri is effective, with some areas for improvement. Long lines, ballot shortages, intimidation of voters, and poll worker training are among the issues that need attention and can be improved upon for Missouri voters.

⁴ Any issue reported to the Secretary of State's office was referred to the appropriate local official for verification and any action deemed necessary.

⁵ *Weinschenk et al. v. State of Missouri*, 203 S.W.3d 201 (Mo.banc 2006).

I. Issues and Themes in Missouri's 2006 Election

A. Accessibility and Equipment

In addition to being accurate and secure, Missouri's elections were accessible and efficient. Missouri voters benefited from new voting equipment and other enhancements to polling sites in 2006. Over 2.1 million votes were cast in the general election on November 7, 2006. Voters saw new equipment, and federal law required at least one machine per polling place be accessible to individuals with disabilities. In addition, many local election authorities made great strides with regard to voting accessibility by applying federal funds toward physical improvements. Although many improvements have been made in terms of voter accessibility, some issues still exist that, if addressed, will further enhance the election process for voters.

New Voting Technologies

The 2006 election was the first election in which all Missouri local election authorities used some form of new voter technology in order to be in compliance with federal and state law. Overall, new voting equipment worked well in the 2006 elections.

In the months leading up to the election, many Missouri counties worked tirelessly to secure reliable new voting machines. In Missouri, it is the responsibility of the local election authorities to choose and purchase the voting equipment used in their jurisdiction. The Office of Secretary of State provided guidance to all 116 local election authorities to help ensure the security, accessibility, and accuracy for new voting equipment. All sites had optical scan ballot systems, which allowed voters to vote on a paper ballot which was then read by an optical scan machine. Each polling site was also required to have at least one machine that was accessible for individuals with disabilities, or a direct-recording electronic (DRE) machine.

Additionally, every DRE purchased in Missouri was required to include a voter-verified paper audit trail (VVPAT). Missouri is one of 22 states that require voting machines to produce a voter verified paper audit trail, or "VVPAT."⁶

Voting machine issues comprised 13 percent (about one of seven) of all reports received by the Secretary of State's office.

Between the optical scan systems and the DRE systems, all Missouri voters were able to vote with some kind of paper record. The majority of Missouri voters voted on paper ballots that were read by optical scan machines, and the remainder voted on DRE machines with paper trails.

In general, the transition to the new equipment went smoothly. Voters were able to cast ballots, equipment worked well, and election results were reported in a timely manner. Of the issues that were reported to the Secretary of State's office, voting machine issues comprised 13 percent (about one of seven) of all reports received.

⁶ Fact Sheet: Voter-Verified Paper Audit Trail Laws & Regulations, *Electionline.org*, September 2006.

Accessibility

The transformation of Missouri polling places into sites that are more accessible to people with disabilities was a major achievement of the last year. Improving accessibility included moving and renovating polling places, as well as implementing accessible voting equipment such as DRE voting machines. The Secretary of State's office worked with local election officials to help provide Missourians with disabilities the access and privacy afforded to every other voter.

Secretary of State Robin Carnahan made it a priority to work with local election authorities to improve accessibility in time for the 2006 election. Many local jurisdictions applied federal HAVA funds toward wheelchair ramps, handrails, and other items to make sites more accessible.

“What a wonderful experience to be able to vote without depending on someone else to assist in the selection!”

~email from a voter with disability

In previous elections, many Missourians with disabilities were unable to vote privately. The new HAVA-required accessible voting machines allowed voters who had visual or physical impairments to cast their ballot without the assistance of an election judge. After experiencing the new

equipment during the August 2006 election, several individuals spoke highly of the experience. One voter from Platte County remarked, “I did not encounter any problems and it was exciting to have cast my first truly secret ballot.”⁷

A Springfield resident commented, “It's so much easier for me...before, you just got paper and they helped you. This is more private.”⁸

Although many voters with disabilities had positive experiences with new equipment, some had constructive suggestions for improvement. “I wish the rate of speech could be adjustable and I see room for some fine tuning,” stated one voter. Another voter suggested shielding the machine screens from glare, providing some systems at varying heights instead of all at wheelchair height, and adjusting the sensitivity of the touch screen because it needed a lot of pressure applied in order to register a vote.⁹

Equipment Issues

Optical scan machines, which were the primary voting systems in Missouri polling locations, performed well. In two counties, ballots were rejected and had to be taken before a resolution board to verify the voters' intent.¹⁰ Stoddard County Clerk Don White estimated that 15 percent of the approximately 10,400 ballots cast in the county were rejected by these optical scan machines. According to White, “Ninety-five percent of our trouble was that people didn't vote the ballot right.” Instead of filling in ovals, many voters circled or checked them.¹¹

⁷ Voter email, August 9, 2006.

⁸ “Voters navigate machines with no difficulty,” *Springfield News-Leader*, August 9, 2006.

⁹ Voter emails, August 2006.

¹⁰ “Voter Errors Delayed Returns in some Southeast Missouri Counties,” *seMissourian.com*, November 9, 2006.

¹¹ Id.

Although some rejected ballots can be attributed to newer optical scan machines, part of the problem was that “on big turnouts, [you] get people who aren’t used to voting,” White added. A similar situation occurred in Mississippi County on a smaller scale. About 100 ballots were rejected, said County Clerk Junior DeLay, mostly because of overvoting.¹²

A candidate for the Jackson County legislature Neal McGregor lost by less than one percent of the vote and filed a lawsuit asking for a new election. McGregor alleged that “numerous irregularities,” such as difficulties with the new InkaVote Systems, occurred while voters cast their ballots for the 5th district legislative seat.¹³

There were also two notable cases of electronic issues during the 2006 election in Missouri. In Lawrence County, a problem was noticed when returns became available after the polls closed. According to Lawrence County election officials, the titles for a ½-cent sales tax increase and a judicial race were inadvertently switched. The initial result led voters to believe that the tax increase had passed when it had failed. The programming error was discovered during a manual recount.¹⁴

The Secretary of State’s office fielded reports of broken optical scan ballot counters in several areas.

Another issue occurred in St. Louis County as a handful of regular and in-person absentee voters reported that their votes for U.S. Senator were repeatedly misrecorded by DRE voting machines.

Voters said that when they tried to vote for candidate Claire McCaskill, the computer recorded it as a vote for her opponent, Jim Talent. After several attempts, voters reported they were able to correct the machine and record their vote as intended.¹⁵

John Diehl, Chairman of the St. Louis County Board of Elections, said that the biggest problems were delays caused by lack of experience replacing paper rolls on voting machines.¹⁶

A more common occurrence was inoperative optical scan ballot precinct counters. The Secretary of State’s office fielded reports of optical scan ballot precinct counter problems in several areas including St. Louis City, St. Louis County, and Jackson County. While some counties were accustomed to the equipment, others were using the precinct counters for the first time in a general election. In counties where the machines were out of order, some poll workers had voters place the voters’ marked paper ballots under the counter or in a box until they could be counted at a later time.¹⁷ In St. Louis County, one voter reported to the Secretary of State’s office that he was instructed to put his regular ballot in the *provisional* ballot box after the ballot counter had broken.

¹² Id.

¹³ “McGregor Goes to Court,” *Kansas City Star* online, December 11, 2006.

¹⁴ “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

¹⁵ See correspondence in appendix.

¹⁶ “Some Voting Problems Reported in Missouri,” *Kansas City Star* online, November 7, 2006.

¹⁷ “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

Long Lines

Long lines and voter accessibility have been issues in recent Missouri elections. In November 2004, voters in Oronogo (Jasper County) reported waiting in line to vote for several hours.¹⁸ In 2000, voters in St. Louis City waited for many hours in the office of the Board of Election Commissioners to cast a ballot. The challenge of long lines and their possible consequence – voter disenfranchisement – are not new to Missouri.

Long lines and severe delays were an issue again in some areas in the November 2006 election. This problem arose in a number of counties, rural and urban, around the state.

“People left because lines were too long...”

*~ a poll worker wrote in
poll worker survey*

In Jefferson County, one voter recounted waiting for more than an hour to vote because his polling place ran out of ballots. “I’ve counted 20 people walk away,” he said.¹⁹ Poll workers in the same area also reported long lines and mentioned that the divided alphabetized poll books (“A-K” and “L-Z”) were uneven, resulting in one very short line and one very long line, frustrating many voters.²⁰

In St. Louis County and some other areas, poll workers reported long lines due to a lack of new equipment or privacy booths for voting. “Too long of wait for the electronic voting machines,” reported one poll worker. “It was too long, not enough new machines,” stated another, “people left because lines were too long, you need more places to vote...” A Boone County poll worker remarked, “Too long a wait for electronic voting machines.”

The elimination of the straight-party ticket voting option was also an issue. More than one million voters used this option and voted straight-party in 2004. However, in May of 2006, a ban on the straight ticket voting option was added to legislation. The reason for the change was detailed in an article in the *Kansas City Star*.²¹

The change (which ultimately became law) meant voters could no longer use the “straight party” ballot option, where one mark allowed a voter to vote for all of the candidates of one political party. Instead, a voter had to vote for each candidate of his/her choice individually, requiring much more time with a lengthy ballot. Voters seemed displeased about the change in November. For example, a Cape Girardeau County poll worker reported, “A few [voters] wanted to mark only Democrat or Republican as they were used to doing.” In St. Francois and St. Louis County, poll workers reported that voters complained they could no longer vote straight ticket and had to wait too long to vote.

¹⁸ “County Clerks Say Turnout to Blame for Troubles,” *The Joplin Globe*, November 2004.

¹⁹ “Glitches Made Voting Tough for Some,” *USA Today*, November 8, 2006.

²⁰ Secretary of State Poll Worker Survey, 2007.

²¹ ‘Straight-Ticket’ Voting at Risk in Missouri: Missouri Senate Republicans Say Proposal is Punitive,” *Kansas City Star*, May 10, 2006.

Ballot Shortages

The elimination of “punch-card” voting systems, another HAVA mandate, was complete in time for the 2006 election. Missouri was one of a handful of states to still use punch-card ballots in the 2004 election, despite the infamous “hanging chads” that resulted from their use in the 2000 presidential election in Florida. However, over the past two years, the Secretary of State’s office and Missouri’s 116 election jurisdictions have eliminated punch-cards in favor of optical scan and other voting systems.

Despite new equipment, not all areas printed enough paper ballots in advance of the election. Long lines of people waiting for new or photocopied ballots due to ballot shortages were reported in several Missouri counties including Jasper, Pemiscot, Scott, Callaway, Jefferson, and St. Louis County.²²

A minimum of twelve precincts in Jasper County exhausted their supply of ballots, resulting in extremely long lines.²³ The county eventually produced photocopied ballots; however, these photocopied ballots had to be hand-counted, further delaying election returns. Jasper County officials acknowledged that some voters had decided to leave without voting but were unsure how many potential voters actually left.²⁴

**Despite new equipment,
not all areas had enough
paper ballots.**

Voters at some Jasper County precincts had to wait about two hours for their photocopied ballots. One voter who waited said he saw at least 12 people come in and leave because they could wait no longer. There were also reports from some of those who waited and filled out photocopied ballots that one race was already voted for them. “The line was marked straight across,” said the voter.²⁵

In Joplin, another voter said she saw five or six people leave in the 45 minutes she waited. “People are leaving without voting,” she said.²⁶

“First-time voter. I will never vote again,” commented one voter as she waited for a photocopied ballot. “You guys want us to make a difference, and then they have this. It’s so discouraging.”²⁷

The situation in Jasper County could have proved to be very problematic to the overall outcome of the 2006 election. Ultimately, though, no races in Jasper County were close enough to be seriously challenged, as all candidates and issues won by a sizable margin.²⁸

Another situation arose in Johnson County. One Democratic candidate filed a court petition seeking a new county auditor's election after it was discovered that a ballot shortage had turned

²² “High Turnout Swamps Election Officials,” *Fulton Sun*, November 8, 2006.

²³ See letter from County Clerk in appendix.

²⁴ “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

²⁵ “Voters Inundate Polls,” *The Joplin Globe*, November 9, 2006.

²⁶ *Id.*

²⁷ *Id.*

²⁸ “Guest column: Election Day was difficult time,” *The Joplin Globe*, November 19, 2006.

away dozens of voters from the polls. Candidate C. Kay Dolan lost by four votes out of 14,860 cast, causing some voters to call into question the election results.²⁹

B. Poll Worker Training and Availability

In an election full of changes and new voting equipment, Missouri's poll workers did an impressive job. There were, however, some cases in which more or better-trained poll workers could have made a difference for Missouri's voters.

Poll Worker Recruitment

In response to problems with the 2004 election stemming from understaffed polling places, Secretary of State Carnahan actively encouraged Missourians statewide to serve as poll workers through her office's "It's Your Turn: Be a Poll Worker" recruitment initiative. As a result, the Secretary of State's office forwarded 1,700 additional names of potential poll workers to local election authorities throughout the state before the November 2006 election. Secretary Carnahan also partnered with Missouri businesses, encouraging them to allow their employees the opportunity and incentive to serve as poll workers on Election Day.³⁰ Additionally, the Office of Secretary of State sent out a post-election poll worker survey to the individuals who signed up through the program in order to understand how the poll worker program is working and what aspects can be improved.

Poll Worker Issues

While most poll workers performed well despite new voting systems and laws, there were some complaints. Several people in Johnson County complained to the Secretary of State's office that an insufficient number of election judges forced members of one political party to serve as judges on the other party's behalf.

Stress due to being understaffed and overworked appeared to take its toll on poll workers in some cases. In St. Louis County, one voter reported to the Secretary of State's office that the poll workers had been too busy arguing amongst one another to show her how to use a DRE machine. A poll worker in St. Louis City commented, "I saw first-hand in-fighting among workers and others taking the position they didn't have to work, because they would still be paid...There was another worker who took 2 hours for lunch. I was happy to be there but I was stunned at the behaviors of some managers and poll workers."³¹

Some suggested that more incentives and flexible schedules for poll workers would be worthwhile. One poll worker from St. Louis County commented, "The experience was one that every voter should experience at one time or another. One suggestion I have to make the pool of volunteers larger and to treat poll workers like jury duty. Employers should be legally obligated to treat poll working and jury duty the same. They are both civic duties which all eligible voters should be obligated to participate in." A Boone County poll worker suggested, "The workday is

²⁹ *Dolan, et al. vs. Powers, et al.*, No.06JO-CVOO806 (Circuit Court of Johnson County)

³⁰ "Polling Together," *St. Louis Business Journal*, October 13, 2006.

³¹ Post-Election Poll Worker Survey, Secretary of State's Office, January 2007.

too long – you should have poll workers in shorter shifts. By the end of the day, all poll workers were so exhausted that mistakes were being made. The very long day is the one thing that would make me hesitate to work as a judge again.”³²

Poll Worker Training

The Office of Secretary of State worked with University of Missouri-Extension over the past few years to develop materials to help local officials with poll worker training. Overall, efficient work and dedication by poll workers contributed to the smooth operations of the 2006 elections, and poll worker training was effective.

However, in some places, lack of sufficient poll worker training remained an issue. For example, a Jefferson County poll worker stated, “I was proud to be part of the experience but disappointed at how little preparation I was given. I had one two-hour training session on the touch screen and was told there would be further training the week before the election that never happened.” Also, a poll worker from St. Louis County commented, “I felt under-trained on how to run the sign in books. I never touched machines until the end and folks told me what to do. Maybe in the future new folks can be shown one last time before polls open by supervisor how things should be filled out. I also recommend that you offer some conflict resolution techniques as part of training. Some workers were rude when voters started to get upset.” A Boone County poll worker said, “Needed more training on all options – i.e. address changes, poll location errors...”³³

“I would have liked to have had more training for the handicapped accessible equipment,” a Dent County poll worker mentioned.

A number of privacy concerns arose that perhaps could have been prevented by more careful preparation. Voters in Franklin and Jackson counties reported polling booths without privacy dividers to prevent others from watching them vote. In St. Louis County, several voters complained that DRE machines were positioned so that anyone walking by on the street could look through the window and watch them choose candidates. A St. Louis City poll worker suggested, “Polling place needs more stations for completing paper ballots.”

Qualified voters were also instructed to cast provisional ballots in St. Louis County when poll workers could not reach the Board of Elections by phone to verify voter eligibility. Thus, voters were unable to check their registration status (i.e. if registered to vote at a nearby polling place) to see about voting a regular ballot at another location.³⁴

³² Id.

³³ Post-Election Poll Worker Survey, Secretary of State’s office, January 2007.

³⁴ See Issues Reported to Secretary of State in appendix.

C. Voter Registration

Missouri Centralized Voter Registration (MCVR) Database List

In Missouri, the local election authorities are responsible for keeping their respective voter registration list accurate and up-to-date. With the advent of MCVR, each jurisdiction can more easily share information. The voter list, which incorporates data from all 116 jurisdictions in Missouri, is the most comprehensive and accurate list of Missouri voters that the state has ever had. The November 7 election was Missouri's first general election with the new registration database in place.

The MCVR database list was designed to enable counties to keep better track of registered voters, eliminate duplicate registrations, and prevent fraud. For instance, when a voter moves from one Missouri county to another and re-registers, the movement is kept on file, ensuring that he or she is only registered in one location.

The MCVR database also allows for deceased and ineligible voters to be easily and systematically removed from county poll books. Since early 2006, more than 127,000 deceased voters have been removed from the system. Every week, the Department of Health and Senior Services supplies a list of new deaths to every county clerk in the state. The database is also routinely updated with information from the Social Security Administration, Department of Health and Senior Services, the Department of Revenue, and the Department of Corrections, making it a powerful tool for county clerks to help clean-up and maintain their poll books throughout the year in compliance with the National Voter Registration Act (NVRA).

In addition to the in-state efforts, Secretary Carnahan and election officials in four other states (Iowa, Nebraska, Kansas and Minnesota) partnered to share information from their states' respective voter registration databases. The multi-state partnership aims to help keep voting lists up to date and prevent the type of double voting across state lines that, although very infrequent, had occurred in the past.

Enforcement of New Registration Laws

Since the 2004 election, much has been done to improve the voter registration process in Missouri in addition to the new statewide voter registration database.

Legislation passed in 2006 required that anyone receiving compensation for collecting ten or more registration cards must be registered as a "voter registration solicitor" with the Secretary of State's office. In the period of August 28 through October 31, 2006, 389 individuals filed as solicitors.

The required registration of voter registration solicitors produced immediate results in Missouri. In November 2006, registration laws proved effective when four individuals were indicted for providing false information to the Kansas City Election Board and for filing false voter applications with the board. The investigations into these matters had not been completed at the time of this report. However, one of the indictments had been dropped.³⁵ Of the three remaining

³⁵ "Charges Dropped in Voter Fraud Case," *Kansas City Star*, November 21, 2006.

individuals, two pleaded not guilty, and one pleaded guilty to filing a false voter registration form.³⁶

Allegations of fraudulent voter registration cards also surfaced in St. Louis and were referred to the U.S. Attorney's office.

These examples of investigation and prosecution of voter registration fraud are evidence that the safeguards in place in Missouri are working. Those who tried to break the law were caught -- before votes were cast on Election Day.

Poll Book Issues

Election authorities were also able to successfully use MCVR to print their poll books. However, there were still some reported issues that surfaced after certain local election authorities printed their poll books. Faulty or incomplete poll books caused problems at several local polling places this election. In St. Louis City (Ward 11, Precinct 5), one voter reported waiting to vote before being told that they had the incorrect poll books at the polling place. In Johnson County, absentee voters from the August primary showed up incorrectly as absentee voters for the November election, forcing some voters to go to the courthouse to sort out how to vote. In Jackson County (Ward 9, Precinct 4), voters found that the precinct roster had the correct cover but contained the wrong pages. Voters were told to either come back in the evening or cast a provisional ballot.³⁷

Lastly, some voters encountered problems verifying their registration because poll workers misread precinct rosters. Students in the St. Louis suburb of Oakland were only able to cast provisional ballots because the poll worker looked for their names in the wrong part of the poll book.

D. Voter Misinformation, Intimidation, and Fraud

Identification Issues

The November 2006 election went smoothly for nearly all of Missouri's 116 election jurisdictions, and most eligible voters were able to vote after presenting one of the required forms of identification.³⁸ In several counties, however, voters were presented with confusing, and at-times, contradictory information about what type of identification was necessary for voting, despite counties receiving clear guidance about the identification requirements being the same as in previous years' elections.

In order to alleviate public confusion, after the photo ID law was struck down as unconstitutional, the Secretary of State's office sponsored a public awareness initiative that was broadcast through television, radio, and print media outlets to help make sure voters knew what they needed to bring in order to vote in November. Additionally, the Secretary of State's office

³⁶ "ACORN Worker Enters Guilty Plea," *Kansas City Star*, February 7, 2007.

³⁷ See Issues Reported to Office of Secretary of State in appendix.

³⁸ Missouri statute, Section 115.427, RSMO

sent clarifying memos and voter education Election Day kits to all 116 local election authorities for use at the polling locations.³⁹

Despite these efforts, voters being misinformed and confused by private groups and local election officials remained an issue in some places in 2006. Nearly one out of every five complaints received by the Secretary of State's office concerned a voter being asked for the wrong type of identification at the polls on Election Day.

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Some types of voter misinformation began weeks before the election. In St. Louis County, the election board sent out voter notification cards telling voters to "bring signature ID," confusing some voters. In a second case, poll workers in St. Louis County consistently asked voters for “photo” or “signature” ID, sometimes specifically asking for a Missouri driver’s license, despite state law being clear on the types of identification allowed in order to vote.⁴⁰ There are several different acceptable forms of voter identification in Missouri, including some that do not have a signature, such as a paycheck, a bank statement or a student identification card.⁴¹

Nearly one-fifth of all issues received by the Secretary of State’s office were voters reporting that they had been wrongly asked for photo or signature ID. Of these, 61 percent were from St. Louis County. The Advancement Project’s Voter Protection initiative, a nonpartisan voter advocacy group, received as many as 200 complaints from St. Louis County voters who claimed that they were wrongly given provisional ballots or told to provide photo/signature IDs.⁴²

In one instance, poll workers at the First United Methodist Church in Webster Groves insisted on voters presenting a photo ID in order to vote. At Mount Zion Church, a registered voter was not allowed to vote even though he had his voter identification card. At Bernard Middle School an election supervisor refused to accept a U.S. passport as identification and asked the voter to sign an affidavit.⁴³

In St. Louis City, Secretary of State Robin Carnahan was improperly asked for a photo ID three times when voting in-person absentee. When she explained that a photo ID was not required by law, and that her voter identification card was sufficient, the poll worker replied that she had been instructed to ask for one anyway. In Boone County, several precincts were reported to have asked for photo ID. The same problem arose in Warren and Miller counties. In Cole County, voters reported being asked for signature ID,⁴⁴ and the poll worker manual instructed poll workers to do so if a voter didn’t have his/her voter ID card.⁴⁵

³⁹ See appendix.

⁴⁰ “Secretary of State Blasts County on IDs,” *St. Louis Post – Dispatch*, November 9, 2006.

⁴¹ Missouri statute, Section 115.427, RSMO

⁴² “St. Louis Vote Much Smoother than in ’00,” *Columbia Daily Tribune*, November 10, 2006.

⁴³ See Issues Reported to Secretary of State in appendix.

⁴⁴ Id.

⁴⁵ Cole County Clerk Memo to Poll Workers, November 2006.

Some voters were apparently misinformed as a result of poll worker error. As mentioned previously, in St. Louis County, it took two University of Missouri-St. Louis students more than three hours and four polling places to cast their votes, all because of an error by an election judge. The two students said that the polling place supervisor could not find their names in the poll book. They were later told that the poll supervisor searched the wrong place in her book for their names.

At the Oakland polling place, the students reported seeing “a stack of about 25 provisional ballots” that other voters, presumably in the same situation, had been forced to cast. “The supervisor said she’d been doing that all day,” the voter said.⁴⁶

Electioneering

The Secretary of State’s office received several complaints regarding pamphlets, posters, and flyers being within the 25-ft. distance where electioneering is prohibited. For example, in Cole County, a voter complained of “No on No. 2” brochures next to the table where voters picked up their ballots.⁴⁷

Confusion and Intimidation

In Greene County, automated telephone calls (also known as “robo-calls”) reportedly warned voters to bring photo ID to the polls or they would not be allowed to vote.⁴⁸ There were also reports on the radio in Kansas City of automated telephone calls telling voters their polling places had been changed and giving incorrect polling place information.

Two weeks before the election, the St. Louis City Election Board sent a letter to about 5,000 newly registered voters informing them that they needed to take additional steps to complete their registrations in order to vote. Scott Leiendecker, Republican director of the Election Board, said that many of the registration cards turned in by the Association of Community Organizations for Reform Now (ACORN) appeared to be fraudulent or incomplete.⁴⁹

The Secretary of State’s office advised the Election Board that their letters created additional requirements for registration that may be in violation of state and federal election laws. The St. Louis Election Board then sent out another letter a few days before the election, informing the voters in question of acceptable forms of identification and the location of their polling places.⁵⁰

Accounts of voter misinformation and intimidation also surfaced elsewhere. For example, one voter described being left off of the poll book, misinformed of her voting rights, and denied the right to cast a regular ballot. After moving from Columbia to Kansas City, she repeatedly checked with the Kansas City Board of Elections to make sure she had been re-registered in

⁴⁶ “Some Voting Problems Reported in Missouri,” *Kansas City Star* online, November 7, 2006.

⁴⁷ See Issues Reported to Secretary of State in appendix.

⁴⁸ “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

⁴⁹ “Election Board Warns Thousands they may not be Registered to Vote,” *St. Louis Post – Dispatch*, October 28, 2006.

⁵⁰ “Second Letter is being Sent to New Voters in City,” *St. Louis Post – Dispatch*, November 1, 2006.

Jackson County. She was told that, indeed, she had been and was instructed to bring identification and proof of residence with her to the polls. Once she got there, her name was not on the voter rolls.⁵¹

Instances of misinformation and voter confusion were rare, as election administration was efficient in most places throughout the state in 2006. With few exceptions, eligible voters were able to vote and have their votes count.

⁵¹ Issue Reported to Secretary of State's office.

II. Recommendations

Recommendations

The Secretary of State's office recommends the following process enhancements and statutory changes for election administration improvement.

Increasing Accessibility, Convenience, and Privacy for Voters

The Missouri General Assembly and Governor should:

- allow early voting in Missouri
- require a sufficient number of printed paper ballots for every polling place
- reinstate straight party ticket voting option

Local Election Authorities should:

- increase the number of privacy booths and voting stations at each polling location to help alleviate long lines
- increase the number of polling places in heavily populated areas to decrease waiting time for voters
- ensure privacy with DRE systems by situating equipment in a way that others cannot see how others have voted
- better educate voters about the use of new voting systems

The Secretary of State's office should:

- enhance training materials for local election officials on current rules and procedures for testing and use of new voting systems in order to ensure transparency and voter confidence

Enhancing and Maintaining Clean and Accurate Registration Lists

The Missouri General Assembly and Governor should:

- continue to fully fund the current state law that provides incentives for local election authorities to maintain clean and accurate voter registration lists
- Increase the maximum penalty for those who misrepresent themselves on a voter registration application

Local Election Authorities should:

- Continue maintaining voter lists in accordance with state and federal law

The Secretary of State's office should:

- Provide on-line training for voter registration solicitors
- Explore feasibility of Election Day voter registration and/or automatic voter registration for those who apply for licenses at Missouri Department of Motor Vehicle offices

Increasing Efficiency in Elections Administration by Investing in More Qualified Poll Workers

The Missouri General Assembly and Governor should:

- Allow citizens who serve as poll workers on Election Day to receive time off with pay just as if they were serving on jury duty
- Establish a tax credit as an added incentive for citizens who serve as poll workers
- Increase pay for poll workers

Local Election Authorities should:

- Explore offering split shifts for poll workers so citizens can serve for one half a day rather than the full 14-16 hour days now required of poll workers
- Enhance poll worker training before Election Day

The Secretary of State's office should:

- Continue updating and enhancing uniform statewide poll worker training materials
- Continue aggressive recruitment of more poll workers, especially technologically savvy individuals, through business/government efforts such as "It's Your Turn, Be a Poll Worker"

Ensuring Confidence and Fairness for Missouri Voters

The Missouri General Assembly and Governor should:

- Increase penalties for those who knowingly disseminate misinformation or intimidate voters
- Extend the prohibition on electioneering materials from 25 to 100 feet from a polling place
- Increase the maximum penalty for persons who commit absentee voter fraud

Local Election Authorities should:

- Use uniform statewide voter education materials, such as the polling place packets distributed in 2006

The Secretary of State's Office should:

- Update and continue providing polling place packets similar to those distributed in 2006
- Encourage local election authorities to use uniform statewide voter education materials in every polling place

Conclusion

By all accounts, the 2006 elections were fair, accurate and secure. In most areas, elections were smooth and efficient as well. New changes and upgrades to equipment and poll sites made elections accessible in many more areas than in the past. A new statewide voter registration database and the enforcement of recently enacted registration laws helped ensure the most accurate voter rolls yet for the state. An emphasis on recruiting more qualified poll workers resulted in greater awareness and more potential workers for Election Day.

With these great strides, though, more can still be done to ensure that Missourians vote with the privacy, convenience, and confidence to which they are entitled. Instead of one single threat to democracy, Missourians' votes are often jeopardized by a variety of irregularities and difficulties.

Remedying some of the issues discussed herein is fairly straight-forward. The long lines and lengthy delays that frustrated voters on Election Day, for example, can be prevented by ensuring enough paper ballots are printed in each county. Issues with new voting technology can be improved with additional and better-trained poll workers.

Matters such as voter misinformation and intimidation require that more attention be paid to the obstacles that confront many voters—especially poor, disabled, and elderly voters—on or before Election Day. Ensuring fairness in Missouri elections is of utmost importance, and elections cannot be fair if eligible voters are not allowed to vote.

Ensuring fairness in Missouri elections is of utmost importance, and elections cannot be fair if eligible voters are not allowed to vote.

The findings of this report suggest voters would benefit most from efforts to make the process of voting more transparent, efficient, and convenient, rather than costly measures designed to address alleged or unsubstantiated threats. Commonsense efforts such as early voting, increasing the number of poll workers and privacy booths, and allowing each voter to choose a touch screen or optical scan paper ballot for voting should be given attention.

The battle for fair, honest, and accurate elections has many fronts, each no less important than the other. Nonetheless, a commitment to putting “voters first” unites them all. By documenting and focusing on real successes as well as real difficulties for voters in Missouri, this report represents a firm, objective ground for improving elections in the state.